



General Assembly

January Session, 2013

## ***Substitute Bill No. 760***



### ***AN ACT CONCERNING THE PHYSICAL RESTRAINT OF STUDENTS BY SCHOOL EMPLOYEES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective July 1, 2013*) (a) For purposes of this  
2       section:

3       (1) "School employee" means (A) a teacher, substitute teacher,  
4       school administrator, school superintendent, guidance counselor,  
5       psychologist, social worker, nurse, physician, school paraprofessional  
6       or coach employed by a local or regional board of education or who  
7       otherwise works in a public elementary, middle or high school; or (B)  
8       any other individual who, in the performance of his or her duties, has  
9       regular contact with students and who provides services to or on  
10      behalf of students enrolled in a public elementary, middle or high  
11      school, pursuant to a contract with the local or regional board of  
12      education; and

13      (2) "Physically restrain" means to restrict or immobilize a student so  
14      as to reduce the free movement of such student's arms, legs or head.  
15      "Physically restrain" does not include (A) briefly holding a student in  
16      order to calm or comfort such student, or (B) restraint involving the  
17      minimum contact necessary to safely escort a student from one area to  
18      another.

19      (b) No school employee shall be required to physically restrain a

20 student if such school employee reasonably believes that doing so may  
21 result in harm to such school employee.

22 (c) No local or regional board of education shall dismiss, discipline  
23 or otherwise penalize any school employee who refuses to physically  
24 restrain a student if such school employee reasonably believes that  
25 doing so may result in harm to such school employee.

26 (d) Any school employee may file a complaint with the Labor  
27 Commissioner alleging violation of subsection (c) of this section. Upon  
28 receipt of any such complaint, the commissioner shall hold a hearing.  
29 After the hearing, the commissioner shall send each party a written  
30 copy of the commissioner's decision. The commissioner may award the  
31 employee all appropriate relief, including payment of back wages to  
32 which the employee otherwise would have been eligible if a violation  
33 of subsection (c) of this section had not occurred. Any party aggrieved  
34 by the decision of the commissioner may appeal the decision to the  
35 Superior Court in accordance with the provisions of chapter 54 of the  
36 general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2013	New section

**KID**      *Joint Favorable Subst. -LCO*

**ED**      *Joint Favorable*